

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or Agent's file reference	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR 03/01164	International filing date (<i>day/month/year</i>) 11.04.2003	Priority date (<i>day/month/year</i>) 23.04.2002
International Patent Classification (IPC) or national classification and IPC H01P1/08		
Applicant THALES et al.		

1.	This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of 4 sheets including this title page. <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Instruction 607 of Administrative Instructions of the PCT). These annexes consist of a total of sheets.
3.	This report contains indications relating to the following items: <div style="margin-left: 20px;"> I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement according to Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application </div>

Date of submission of the demand 06.11.2003	Date of completion of this report 29.07.2004
Name and mailing address of the IPEA <div style="display: flex; align-items: center;"> <div> European Patent Office D-80298 Munich Tel. +49 89 2399 - 0, Tx: 523656 epmu d Fax: +49 89 2399 - 4465 </div> </div>	Authorized officer: <div style="display: flex; justify-content: space-between; align-items: center;"> <div> Cordeiro, J-P Telephone No. +49 89 2399-8252 </div> </div>

I. Basis of the report

1. This report has been drawn up on the basis of the following elements *(the replacement sheets received by the receiving office in response to an invitation according to Article 14 are considered in the present report as "originally filed" and are not annexed to the report as they contain no amendments (Rules 70.16 and 70.17).):*

Description, pages:

1-11 as originally filed

Claims, No.:

1-11 as originally filed

Drawings, sheets:

1/6-6/6 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

☐ the description, pages:

☐ the claims, Nos.:

☐ the drawings, sheet:

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5. ☐ This report has been written disregarding (some of) the amendments, which were considered as going beyond the description of the invention, as filed, as is indicated below (Rule 70.2(c)):

(All replacement sheets comprising amendments of this nature should be indicated in point 1 and attached to this report).

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty	Yes:	Claims	3-4,8-11
	No:	Claims	1-2,5-7
Inventive Step	Yes:	Claims	
	No:	Claims	3-4,8-11
Industrial Applicability	Yes:	Claims	1-11
	No:	Claims	

2. Citations and explanations

see separate sheet

As regards point I

To facilitate reference to the documents cited in the International Search Report, these are numbered *seriatim* (i.e. D1 to D5).

As regards point V

1. The subject matter of process claim 1, to the extent that it is clear, does not conform to the novelty criteria as defined by Article 33(2) PCT:
D1 (FR 2 746 546) describes a microwave window capable of transmitting high average power levels, this document disclosing the features of the process of claim 1 (cf. Figure 2 & summary & page 4, lines 17-32) using an active braze to seal a collet onto said window.
2. Considering claim 2, and to the extent that it is clear, the subject matter of this claim is not novel in the light of D1, which discloses the common place features claimed (Article 33(2) PCT).
3. Considering claims 3 and 4, and to the extent that they are clear, the alternative as regards the active brazing process claimed does not have an unexpected or especially remarkable technical effect in light of D1. The subject matter of these claims therefore does not involve an inventive step in view of the prior art D1 and the general knowledge of a person skilled in the art (Article 33(3) PCT).
4. Considering claims 5 to 7, and to the extent that they are clear, the subject matter of these does not satisfy the novelty criterion as defined by Article 33(2) PCT in view of D1 (cf. Figure 1 & Summary & page 4, lines 17-23) which discloses the features of claims 5 to 7.
5. Claims 8 to 11, to the extent that they can be understood, try to characterize the microwave window by explaining in detail a specific cooling system that introduces an ambiguity as regards the actual subject matter of the claim (Article 6 PCT). Because of this fact and considering D1, which uses a cooling circuit that is similar through the technical effect achieved and through its overall method of implementation described (cf. page 2, lines 22-25), the alternative detailed by claims 8 to 11 therefore does not involve an inventive step in view of the prior art D1 (Article 33(3) PCT).